

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)	NO. CR 2011-00017
Certification to Conduct Gambling Activities of:)	
)	
Terri Tronson)	NOTICE OF ADMINISTRATIVE
Bellingham, Washington,)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
Class III Employee.)	PROCEEDING
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I.

The Washington State Gambling Commission issued Terri Tronson certification¹ number 69-29492, authorizing Class III Employee activity with the Lummi Tribe. The certification expires on December 30, 2011, and was issued subject to the Class III Employee's compliance with the Lummi Tribal/State Compact and state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Terri Tronson with the following violations of the Lummi Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) In December 2009, Terri Tronson renewed her Class III certification and disclosed on her application that in June 2009 she was arrested and charged with Driving Under the Influence, Malicious Mischief, and Third Degree Assault. Ms. Tronson stated that she had been to court and provided the Lummi Tribal Gaming Agency with documents after each court date. Additionally, her case had been continued and she had a court date in January 2010.
- 2) On December 3, 2010, Ms. Tronson renewed her Class III certification and disclosed on her application that in November 2010 she received a "No seatbelt ticket."
- 3) On December 14, 2010, a Commission Special Agent (agent) conducted a background check on Ms. Tronson and discovered that in January 2010, Ms. Tronson was convicted of Third Degree Assault and Driving Under the Influence.
- 4) The agent obtained the court documents for Ms. Tronson's criminal conviction. The Information filed on June 15, 2009, charged Ms. Tronson with Malicious Mischief in the First Degree, Third Degree Assault, Driving Under the Influence, and Resisting Arrest.

¹ Class III Employee certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

5) The Probable Cause filed on June 15, 2009, states:

- Based on Ms. Tronson's erratic lane travel while driving, a Whatcom County Sheriff's Deputy stopped her vehicle. The deputy conducted a field sobriety test and Ms. Tronson gave a portable breath test sample of .188.
- The deputy placed Ms. Tronson under arrest and Ms. Tronson started arguing with the deputy. The deputy took hold of Ms. Tronson's wrist and attempted to place it behind her back. Ms. Tronson then twisted her body and kicked the deputy in the thigh.
- Once in handcuffs, Ms. Tronson spit on the deputy. Ms. Tronson was put into the patrol vehicle and she spit on the inside of the vehicle. Ms. Tronson then started to kick the vehicle's door and eventually kicked out the vehicle's window.

6) In the Defendant on Plea of Guilty filed on January 21, 2010, Ms. Tronson pled guilty to Third Degree Assault and Driving Under the Influence. In the Judgment and Sentence filed on the same day, Ms. Tronson was sentenced to 216 hours of community service, 60 months of community supervision, and drug and alcohol evaluation.

7) Ms. Tronson failed to disclose her Third Degree Assault and Driving Under the Influence conviction to Commission staff, in violation of WAC 230-06-085.

8) Ms. Tronson's conviction of Third Degree Assault, which involved a Whatcom County Sheriff's Deputy, demonstrates that the certified employee poses a threat to the effective regulation of gaming. Based on her criminal history and failure to disclose her criminal conviction, Ms. Tronson has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

9) Therefore, under the Lummi Tribal/State Compact, RCW 9.46.075(1), (4), (7), and (8) and WAC 230-03-085(1), (2), (5), and (8), grounds exist to revoke Terri Tronson's certification.

Lummi Tribal/State Compact Section V(C)

The State Gaming Agency² may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, or for any reason or reasons it deems to be in the public interest. These reasons shall include, but shall not be limited to when a holder of certification:

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

² Washington State Gambling Commission, as referred to in the Lummi Tribal/State Compact, Section II (V).

- (2) Has failed to provide any information reasonably required to investigate the application for State certification or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application.
- (3) Has had a Lummi Nation or State gaming license revoked or denied during the twelve (12) months prior to the date of receipt of the application; is currently on probation; or had demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).
- (7) Fails to provide us with any information required under Commission rules within the time

required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

WAC 230-06-085 Report criminal actions filed

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

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III.

Jurisdiction of this proceeding is based on Lummi Tribal/State Compact, 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.


The certified employee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your certification.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

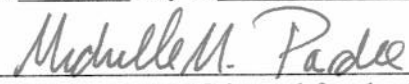
I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 1 day of February, 2011

Communications and Legal Department
Washington State Gambling Commission



SUBSCRIBED AND SWORN TO before me
this 31 day of January, 2011.



NOTARY PUBLIC in and for the State of
Washington residing at Lacey
My commission expires on 6/16/13

